



CITY OF HAYWARD AGENDA REPORT

Planning Commission
Meeting Date 11/21/00
Agenda Item 3

TO: Planning Commission

FROM: Sylvia Ehrental, Director of Community and Economic Development

SUBJECT: Use Permit Application No. 00-160-20 – GRAE Ventures, LLC Applicant}, Adolph Schuman Trust (Owner) – Request to construct a retail commercial project consisting of two buildings, one with 23,042 square feet and the other with 14,490 square feet and a drive-up window. The project involves a request for an exception to the parking requirement from 155 parking stalls to 141.

The project is located at the northeast corner of Hesperian Boulevard and West Winton Avenue) across the street (Hesperian Boulevard) from Hayward Executive Airport in a CN [Neighborhood Commercial) zoning district.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt the Mitigated Negative Declaration, the Mitigation Monitoring and Reporting Program, and approve the project subject to the attached findings and conditions of approval, which include enhancement of the building design.

DISCUSSION:

Retail uses such as Staples and Walgreen's are primary in the CN District and typically require approval of a site plan review application. However, because the Walgreen's structure incorporates a drive-up window, approval of a use permit is required for a "drive-in." Therefore, the project includes review of the drive-in use as well as the site design and architecture.

Setting

The project site fronts on two major arterials and backs onto residentially developed land. The site is approximately 3.13 acres of currently vacant, relatively flat land. The site was previously developed with commercial buildings (Horns of the Hunter shopping center}, which were removed approximately five years ago. There has been no commercial activity on the site for approximately 10 years. A currently operating gasoline service station is located at the north east corner of West Winton Avenue and Hesperian Boulevard adjacent to the project site. The property is fenced on the north and east sides with wooden fencing (separating the site from the adjacent residential area). The western border is partially fenced with chain-link fencing. Most of the property is soil and grasses, although the remnants of asphalt-paved parking areas and some gravel/rubble associated with the demolition of the former commercial buildings are present.

Site Design and Building Elevations

The 28-foot-high buildings are situated about 90 feet from Hesperian Boulevard and approximately 35 feet from the residential area to the east; and 15 feet from the residential area to the north. The loading docks are on the east side of the building, opposite Hesperian Boulevard. To ensure that noise will not be a factor to the adjacent residents, conditions of approval require (1) construction of an 8-foot-high masonry wall between the project site and the residential area and (2) a limitation on the loading hours from to between 8 a.m. and 8 p.m. Deliveries outside of the established hours would have to occur from the main entries that face Hesperian Boulevard.

When initially submitted, the project called for two separate buildings. On September 18 of this year, the City Council's subcommittee on commercial development (CCCIC) reviewed the proposal, which included a drive-up window located on the north side of Walgreen's along the driveway separating the buildings. Staff recommended and the CCCIC voted to recommend merging the buildings. The CCCIC members indicated that the merged buildings would provide a unified appearance and, therefore, provide better integration into the neighborhood.

Following the September CCCIC meeting, the applicant learned that Staples would not occupy the site if the structures were merged. According to the applicant, Staples is concerned that customers of Walgreen's would park in front of Staples and occupy needed parking were the buildings to be combined. There are 38 parking stalls immediately in front of Staples that they believe are essential for their business and that they do not want compromised. Staples staff indicates that 40-50 spaces are preferred for their operation, but that they have functioned with less (25 in Hollywood and 20 in Venice),

In an attempt to meet the needs of Staples and to address the CCCIC's concerns regarding design, the architect attempted to visually integrate the two structures with common architectural elements and a landscape feature between the buildings. Walgreen's drive-up window was relocated to the south side of the building, which provides greater security than in the narrow passage between the buildings previously proposed. At a CCCIC meeting held October 23, Council members expressed disappointment that the buildings were not merged. However, given the expressed desire to provide a viable project on the site that would contribute in a positive way to the community, considering that the site had been vacant for a considerable amount of time, and with the understanding that the adjacent neighbors had expressed no objections to the development, they did not make a formal recommendation to either reject or support the project. Rather, one Council member supported the project; one Council member said that the project represented bad planning and would not support it; and the third member indicated that the matter should be referred to a larger body for final determination.

Plans show a 28-foot-high Staples building approximately 12 feet from the north property line, adjacent to a residential area. Although the minimum setback required is 10 feet, an additional 5 feet is recommended by staff to provide space for large trees with substantial canopies? which

will soften the massive appearance of the building wall and provide a transition between the residential area and the project. (The plans presented to the CCCIC included a 15-foot setback.) In addition to aesthetic concerns, the adjacent residents would lose southerly winter sunshine with the placement of the building close to their common property line. However, no one in the neighborhood objected to the placement of the structures. All property owners and tenants received pictures of the project and were invited to comment on the proposal. All who called indicated they were supportive of the project as long as an 8-foot-high masonry walls were installed along the interior property lines.

An issue discussed during the October 23 CCCIC meeting related to security issues that might arise within the landscape area between the Staples building and the north property line. It was noted that there could be difficulty monitoring the area, and a suggestion was made to use landscaping that would deter unwelcome persons in the area. Were the buildings to be merged, the area between the building and the property line would not be as great a security risk since it would be open and used for buffer landscaping and parking. A condition of approval requires the suggested landscaping.

With respect to the architecture, earth tone walls are proposed to complement terra cotta tile shed roof elements. Staff recommends changes to the design, which are identified below and which have been made conditions of approval. These suggestions were endorsed by the CCCIC.

- There should be strong, similar entry features for the two businesses. Currently, the entry feature over Walgreen's, which incorporates glass blocks and a deep roof, is not replicated within the project. For example, the element over the Staples entry emphasizes the sign, an abundance of red tile, and does not incorporate an architectural treatment that is compatible with that used on Walgreen's.
- Staples entry doors should incorporate earth-tone colors to complement the color palate of the project (delete red mullions). Also, the entry should be made more interesting by using vertical elements around the entry door.
- The rooflines should have more definition using a heavier appearing edge.
- Offsets (at least 30 inches) or a similar treatment should be used to reduce the perceived bulk of the buildings.
- Columns should be more substantial and incorporated with the building to the extent that they do not appear as "add-on's."
- Interesting three-dimensional details (such as tile or other insets) should be used in both buildings to add interest and further tie in the design of the two.
- Greater contrast and more refreshing colors should be used in the color scheme.

- There should be more opportunities for pedestrians to enjoy the site, which could be accomplished with decorative paving, bench-high planters and/or outdoor seating, and further enhancements of window-less blank walls where visible from the street.
- The Staples signs should be significantly reduced. As proposed, the entry to Staples is dominated by its sign rather than by an attractive architectural feature. The size of the Staples' signs should be commensurate with that of Walgreen's.

Landscaping

The Hayward Design Guidelines and the Landscape Beautification Plan require private property improvements along the Hesperian Boulevard corridor to develop a quality image of the City. The project incorporates landscaping that meets this intent. A condition of approval requires that, prior to the issuance of a building permit, a detailed landscape and irrigation plan be prepared by a licensed landscape architect and submitted for review and approval by the City.

Parking and Internal Circulation

The project requires 151 parking spaces including 6 parking spaces for persons with physical disabilities. The plans show 141 parking spaces, including six for persons with disabilities. The City's Off-Street Parking Regulations do not specifically address a "Staples"-type of retail store but refer only to *"retail establishments and service and/or repair establishments generally characterized by large or heavy merchandise.. ."* Using this section of the Off-Street Parking Regulations, 90 parking spaces are required for Staples. According to Staples' administrative offices, a typical Staples needs about 40-50 parking stalls, and has functioned with as few as 20. Therefore, a reduction in the parking requirement from 90 to 76 appears reasonable. In addition, some customers using the development may make purchases at both retail stores, so some overlap can be expected.

The parking lot will be accessed primarily from one driveway on West Winton Avenue and two driveways on Hesperian Boulevard. The West Winton driveway and the southern-most Hesperian Boulevard driveways allow for right turns into and right turns out of the parking lot. The northern-most driveway on Hesperian Boulevard involves both right and left-turns into the site, with right-turn exiting only. To achieve the left-turn in movement, the median in Hesperian Boulevard will be modified.

Traffic flow between adjacent commercial properties is preferred, but there is no efficient way for traffic to flow between subject site and the adjacent service station at this time. However, in conjunction with future development of the service station site, the developer has agreed to provide access to the service station site when developed (also made a condition of approval).

Plans show that there are two, side-by-side driveways up to the drive-up window at Walgreen's. for a total of 25 feet devoted to drive-up lanes. In staff's opinion, one of the lanes should be omitted and 13 feet should be devoted to further separation of the Staples building from the north property line and landscaping at the end of the parking aisle nearest the drive-up window.

Lighting

The lighting of this property is of particular concern to the Airport. Exterior light fixtures need to be shielded so that they do not create a hazard or interfere with aircraft landing or take-off. A condition of approval requires that the Airport Manager review and approve the lighting plan.

Use Permit for Drive-Up Window

A drive-up window is proposed on the south side of Walgreen's. Because of the limited number of drivers expected to use the window and the conditions of approval that restrict the hours that the window may be open (6:30 a.m. to 11 p.m. weeknights and 7 a.m. to 1 a.m. weekends), staff supports the drive-up window. The recommended hours of operation are those suggested in the Zoning Ordinance as "usual operating hours" as long as they are compatible with needs and character of the surrounding neighborhood. If the Planning Commission is inclined to allow the drive-up window to operate on a 24-hour basis, staff recommends that there be a 6-month period of review to determine the impact of a 24-hour operation on the adjacent residents.

Environmental Review:

Noise - Due to the project's location on Hesperian Boulevard and its proximity to the Hayward Executive Airport, construction activities and future noise levels generated by the operation of the project are not anticipated to increase over existing noise levels. In fact, the proposed structures may serve to deflect noise from traffic away from the residential area. Noise originating from the use of loading docks is proposed to be mitigated by limited the hours that they could be utilized. A condition of approval restricts hours of operation for loading/unloading to the hours of 8:00 a.m. and 8:00 p.m.

Traffic - In general, it has been determined that the project would not create a significant negative impact on traffic on Hesperian Boulevard nor within the adjacent residential neighborhoods. A traffic study prepared by Kimley-Horn and Associates, Inc., and reviewed by the City's Transportation Services Division, concludes that with the proposed project, all intersections analyzed will operate at LOS D or better with no delay increases greater than 5 seconds. (Please see "Environmental Checklist" attached for a more detailed analysis of traffic impacts.)

Burrowing Owl - Staff conducted a survey of the site for evidence of burrowing owls. Although there were several ground squirrel holes observed, there was no evidence of ground squirrels or burrowing owls, which tend to take over ground squirrel nests. Also, it was apparent that weed

abatement efforts had reduced the height of the grasses to less than an inch and that ground squirrel holes had been disturbed with this effort. Because the survey was not conducted during the peak of the breeding season (April 15 – July 15), a condition of approval requires a survey no more than thirty days before the onset of grading operations to determine if owls occur on the site. If so, mitigation measures will be required.

Impacts on Air Navigation - The Federal Aviation Administration has prepared a "Determination of No Hazard to Air Navigation as a result of the construction of either the Staples or the Walgreen's structures.

The project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Checklist was prepared for the project. Issues with potentially significant impacts discussed in the checklist were in regard to aesthetics, air quality, air navigation, seismic safety, noise, traffic, wetlands and wildlife. It was determined that the proposed project, as conditioned to include the recommended mitigation measures, could not result in significant effects on the environment. Therefore, a mitigated negative declaration was filed on June 29, 1999.

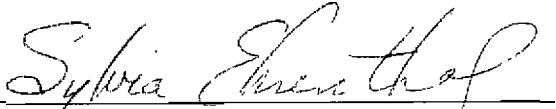
Public Hearing Notices:

On June 29, 1999, a Notice of Public Hearing and Notice of Preparation of the Mitigated Negative Declaration was mailed to every property owner and occupant within 300 feet of the property as noted on the latest assessor's records, as well as to all property owners in the Longwood-Winton Grove Neighborhood, and to all parties having previously expressed an interest in this project. On October 16, 2000, a notice was sent to neighboring property owners and residents which includes elevations and a site perspective of the project. Neighbors who responded indicated that they would not object to the project as long as a new masonry wall were constructed. A former neighborhood task force member, John Kyle, sent a letter in which he expressed concern primarily about traffic and circulation associated with the project (copy attached).

Conclusion:

The project will provide retail options on a parcel that is important for the neighborhood. The project would also result in the elimination of a vacant parcel that has been problematic for some time. It has been at least ten years since a viable, neighborhood/business serving project has been considered for this important parcel. A previously approved project, which included a Taco Bell, expired when there was no interest in the site by retailers. While, in staff's opinion, the project would have been more attractive if the buildings were merged, staff also recognizes that there would be no project at this time unless the buildings are on separate pads. Given that it cannot be known that another acceptable project would be forthcoming in the near future and in order to best serve the neighborhood, approval is recommended.

Prepared by:


Sylvia Ehrenthal
Director of Community and Economic Development

Attachments

- A. Findings for Approval
 - B. Conditions of Approval
 - c. Environmental Checklist, Negative Declaration, Mitigation Monitoring Program and Supporting Documentation
 - D. Area Map
 - E. Letter from John Kyle dated May 29, 2000
- Plans and Elevations

FINDINGS FOR APPROVAL
USE PERMIT APPLICATION No. 00-160-20
Staples/Walgreen's
GRAE Ventures, LLC (Applicant)

Based on the staff report and the public hearing record:

1. Approval of Use Permit Application No. 00-160-20, as conditioned, will have no significant impact on the environment, cumulative or otherwise, and the Mitigated Negative Declaration prepared for this project is in conformance with the provisions of the California Environmental Quality Act.
2. The establishment of the retail project is desirable for the public convenience or welfare since it provides a convenient and necessary service to the City's business community and to the neighborhood.
3. The establishment of the retail center will not impair the character and integrity of the Neighborhood Commercial (CN) District in that the subject establishment is in character with the surrounding development and uses, and will not conflict with the established purpose of the CN District since some of the products and services are those primarily convenience goods and services purchased frequently.
4. The establishment of the retail center will not be detrimental to the public health, safety, or general welfare in that building and fire code must be met and mitigation measures will be imposed to ensure that the project will not have a significant impact on the environment.
5. The retail center is in harmony with applicable City policies as well as the intent and purpose of the zoning district in that the use will be compatible with adjacent commercial and residential activities.

FINDINGS FOR APPROVAL OF PARKING EXCEPTION

- A. There are special circumstances applicable to the project in that the Off-Street Parking Regulations do not specifically call out large office-supply stores such as the proposed Staples and the application of the ordinance of the parking requirements for "retail establishments and services and/or repair establishments generally characterized by large or heavy merchandise.. ." may not be applicable since it would require approximately 90 parking stalls for Staples whereas 40-50 stalls would be adequate to serve the use.
- B. The granting of this exception will not create a safety hazard or any other condition inconsistent with the purposes of the City's Off-Street Parking Regulations.
- C. Under authority of Section 10-1.2830c the Planning Director administratively approves this variance request in that said waiver will not compromise the purpose of the Single-Family Residential Zoning District and no detrimental impact will result.

CONDITIONS OF APPROVAL
Use Permit Application No. 00-160-20
Hesperian Blvd. @ West Winton Avenue
GRAE Ventures, LLC (Applicant)

1. The project to construct a 23,942 square-foot retail building and a 14,490-square-foot retail building with a drive-up window shall be constructed according to these conditions of approval and the plans approved by the Planning Commission on November 2, 2000. This approval is void one year after the effective date of approval unless prior to that time the City's Building Official has accepted a building permit for the project. Any modification to this permit shall require review and approval by the Planning Director. A request for a one-year extension-of-time, approval of which is not guaranteed, must be submitted to the Planning Division at least 30 days prior to November 2, 2001.
2. Prior to issuance of a building permit: plans shall be submitted and approved by the Planning Director which include detailed landscaping and irrigation plans, detailed plans for all site amenities, details for decorative paving, details for masonry wall, design of trash enclosures, architectural plans with enhanced elevations: sign details, samples of exterior colors and building materials, and screening of all above-ground utilities, transformers and utility meters. Licensed professionals in the relative fields, including a civil engineer, a landscape architect, and an architect shall prepare all plans.
3. At least ten days prior to start of construction, and within five days after construction reaches its greatest height it is required that FAA forms 7460-2, Notice of Actual Construction or Alteration, be completed and submitted to the FAA and that proof thereof shall be provided to the Planning Director.
4. Prior to final inspection, occupancy of either structure, authorization for utilities, and issuance of Certificates of Occupancy, all pertinent conditions of approval and all improvements indicated on the approved building permit shall be completed to the satisfaction of the Planning Director.
5. Violation of these conditions or the Hayward Municipal Code is cause for revocation of permit, after a public hearing before the duly authorized review body.
6. The project shall be modified to:
 - a. provide a minimum of 15 feet between the north retail building and the north property line,
 - b. provide a maximum of one drive-up lane to the drive-up window,
 - c. provide a landscape island at the end of each parking aisle.

ATTACHMENT B

7. At least one trash receptacle shall be placed at each customer entry to the building. Trash receptacles shall be a decorative, pre-cast concrete type with a self-closing metal lid. Placement and design of the receptacles shall be submitted with the building permit for approval by the Planning Director.
8. Within 30 days prior to any site alteration, pre-construction surveys for burrowing owls must be conducted. The methods must follow the Department of Fish & Game's survey protocol. If owls are observed during the pre-construction surveys, no impacts will be allowed during the nesting season. Survey results shall be provided to the Planning Director and to the City Engineer.
9. A non-evocable parking/access easement between the project site and the parcel at the northeast corner of Hesperian Boulevard and West Winton Avenue shall be recorded; and a covenant shall be recorded requiring modification of the parking lot by the property owner of the project site at the time of future development of the adjacent parcel to provide for mutual access and parking.

Design

10. The building façades shall be articulated in such a way to reduce the massive scale of the buildings and to provide visual interest that will be consistent with developing a quality image for the City of Hayward. The architectural elevations shall be modified, to the satisfaction of the Planning Director, to reflect the City's design guidelines and the Planning Commission's action of October 19, 1999, including, but not limited to, the following :
 - a. Downspouts shall not be visible from view and shall be placed within vertical elements that "pop out" from the wall.
 - b. There shall be strong, similar entry features for the two retail buildings.
 - c. The primary entry doors on the northerly structure shall incorporate earth-tone colors to complement the color palate of the project (delete red mullions). Also, the entry shall be made more interesting by using vertical elements around the entry door.
 - d. The rooflines shall have more definition using a heavier appearing edge.
 - e. Offsets (at least 30 inches) or a similar treatment shall be used to reduce the perceived bulk of the buildings.
 - f. Intermittent columns shall be more substantial and incorporated with the building to the extent that they do not appear as "add-on's."
 - g. Interesting three-dimensional details (such as tile or other insets) shall be used in both buildings to add interest and further tie in the design of the two.

- h. The fascia along the tile roofs shall be increased in size with interesting details included thereon.
 - i. Greater contrast and more refreshing colors shall be used in the color scheme.
 - j. There should be more opportunities for pedestrians to enjoy the site, which could be accomplished with decorative paving, bench-high planters and/or outdoor seating, and further enhancements of window-less blank walls where visible from the street.
 - k. Trash enclosures shall be to be visually pleasing as well as utilitarian. Materials shall be consistent with those used on the buildings, and decorative features (e.g., decorative caps) shall be included.
 - l. The masonry wall on the interior perimeter of the property shall be 8 feet high and decorative (e.g., split face) on both sides and incorporate columns and a cap. The materials and colors of the wall shall be consistent with those of the structure. The details of this wall shall be submitted with the Precise Plan for review and approval by the Planning Director.
11. All roof mechanical equipment and any satellite dish shall be fully screened from ground-level view within 150 feet of the property.
12. Prior to occupancy and the installation of any signs, the applicant shall submit a Sign Permit Application to the Planning Director for review and approval, subject to the following:
- a. Compliance with the City of Hayward Sign Regulations
 - b. The base and framing of any freestanding/monument sign shall reflect the architectural design, colors and materials of the buildings;
 - c. Wall signs identifying the retail uses shall be similar in size and scale.
 - d. Directional signs shall not exceed 6 square feet in area per face and 3 feet in height
 - e. No illegal banner signs, portable signs or other illegal signs shall be displayed on the property.
 - f. The Staples signs shall not be used in place of an attractive architectural entry element.
13. Exterior lighting shall be maintained which is adequate for the illumination and protection of the premises but does not exceed a light level that provides glare to motorists, nor spills onto nearby properties, onto the Airport or up into the sky. The fixtures shall be decorative and designed to keep the light from spilling onto adjacent properties. Wall-mounted light fixtures shall not be mounted greater than eight feet high. Within the parking lot, the minimum requirement is 1-foot candle of light across the entire surface. Luminaires shall be of a design that complements the architectural style of the building and the landscaping in developing a

quality image of the City of Hayward pursuant to the Landscape Beautification Plan and shall be approved by the Planning Director prior to issuance of a building permit. The maximum height of the luminaires shall be 18 feet unless otherwise permitted by the Planning Director. The lighting, and its related photometric, plan shall be reviewed and approved by the Planning Director and the Airport Manager.

14. A lighting plan and security plan for cash rooms shall be submitted for the review and approval of the Planning Director prior to issuance of a building permit

Landscaping

15. Prior to issuance of a building permit, the applicant shall submit detailed landscaping and irrigation plans prepared by a licensed landscape architect for review and approval by the City. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance and the following requirements:

- a. Parking areas shall include a minimum of one 1 S-gallon parking lot tree for every 6 parking stalls. The minimum dimension of any new tree well or landscape median shall be 5 feet, measured from back of curb.
- b. Parking areas shall be buffered from the street with shrubs. Where shrubs are used for buffering, their type and spacing shall create a continuous 30-inch high screen within 2 years. In compliance with this condition, additional shrubs will be required along Hesperian Boulevard and Skywest Drive. Berms and garden walls may be required along Hesperian Boulevard to screen the loading dock from view of the street.
- c. Landscape planter(s) shall be designed to incorporate benches for pedestrians. The planter size shall be appropriate for the type of plants contained in the structure(s).
- d. Landscaping that serves as a deterrent to loitering and for security purposes shall be provided between the northern retail building and the north property line. Vines shall be planted every 5 feet on the north building façade
- e. A vine and shrub pocket planter shall be located at the base of each decorative column fronting the building. Planters shall incorporate a temporary decorative barrier to protect plant materials from pedestrian traffic and shopping carts until plants have matured.
- f. Above ground utilities (e.g. gas or electric meters, backflow devices) shall be screened from the street with shrubs.
- g. Where any landscaped area adjoins driveways or parking areas: Class B Portland Cement concrete curbs shall be constructed to a height of six inches above the adjacent finished pavement.

- h. The masonry wall and trash enclosures shall be landscaped with shrubs and vines. Vines shall be spaced 5 feet apart.
 - i. Landscaping shall be installed per the approved landscaping and irrigation plan and a Certificate of Substantial Completion and an Irrigation Schedule shall be submitted prior to issuance of a Certificate of Occupancy.
16. Landscaping shall be maintained in a healthy, weed-free condition at all times. The property owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30 percent dieback) shall be replaced within 10 days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.

Parking/Driveways

17. The parking, vehicle circulation and drainage plans shall be prepared by a professional civil engineer. All parking stalls and maneuvering areas shall meet the minimum standards of the City Parking Ordinance, including but not limited to the following:
- a. The parking areas shall be paved with either Portland cement or asphalt concrete and the area shall be striped to designate the parking stalls
 - b. As part of the building permit application, the Planning Director shall approve the design of the driveway, curbing, pedestrian walkways, and materials to be used, including decorative materials.
 - c. Aisles, approach lanes, drive-through lanes and maneuvering areas shall be marked and maintained with directional arrows and striping to control traffic flow.
 - d. Parking along the east property line shall be facing a 7-foot-deep landscape planter, with a 2-foot overhang for vehicles permitted.
 - e. There shall be only one drive-up lane to the Walgreen's drive-up window.
 - f. The north end of the parking aisle nearest to the drive-up window shall incorporate a landscaped planting island.
 - g. The circulation plan to accommodate delivery trucks shall not require trucks to travel over pedestrian lanes or landscaped areas.
 - h. Parking spaces shown facing the western faces of the buildings shall be design to afford adequate clearance between vehicles and building columns.

- i. The driveway entries and pedestrian walkways shall be enhanced with decorative pavement such as colored, stamped concrete (bomanite or equivalent), brick, concrete interlocking pavers, or other approved materials. The Planning Director shall approve the location, design and materials utilized.

Engineering

18. The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer prior to occupancy. The project plan shall identify Best Management Practices (BMPS) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into stormwater runoff. Prior to issuance of a building permit, a drainage plan shall be submitted that meets the approval of the Planning Director, and shall include the following:
 - a. That all storm water is conveyed into City of Hayward or Alameda County Flood Control District facilities.
 - b. Structural controls such as oil/water separator, sand filter or fossil filter or other approved devices per applicant's discretion which accomplish the same shall be installed to intercept and treat storm water prior to discharging to the storm drain system. The design, location, and a maintenance schedule shall be submitted to the City Engineer for review and approval prior to the issuance of a building permit.
 - c. Erosion control measures to prevent soil, dirt and debris from entering the storm drain system during construction, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
 - d. The labeling of all on-site storm drain inlets in the shopping center with "No Dumping - Drains to Bay, " using approved methods approved by the City.
 - e. The cleaning of all storm drains in the shopping center at least once a year immediately prior to the rainy season (October 15th). The City Engineer may require additional cleaning.
 - f. No storm water shall be discharged to the sanitary sewer without a Wastewater Discharge Permit, which will be issued only if there is no feasible alternative. This means that if washing takes place in the trash area, the wash water shall be discharged to the sanitary sewer. If this area is covered and protected from storm water runoff, a permit is not necessary.
 - g. Drains in any wash or process area shall not discharge to the storm drain system. Drains shall an approved collection system. The collection system is subject to the review and approval of the City Engineer prior to the issuance of a building permit.
19. The National Pollution Discharge Elimination System (NPDES) standards shall be met. A Notice of Intent permit is required from the Regional Water Quality Control Board prior to

the start of any grading. The applicant shall submit a construction Best Management Practice (BMP) program for review and approval by the City prior to the issuance of any building or grading permits. These BMPs shall be implemented by the general contractor and all subcontractors and suppliers of material and equipment. Construction site cleanup and control of construction debris shall also be addressed in this program. The applicant is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop work order. The NPDES program shall include the following items:

- a. Gather all construction debris on a regular basis and place them in a dumpster or other container, which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution.
 - b. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.
 - b. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping.
 - c. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season (October 15), 2) site dewatering activities, or 3) street washing activities, 4) saw cutting asphalt or concrete, in order to retain any debris or dirt flowing into the City storm drain system as necessary. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash.
 - d. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill.
 - e. Never clean machinery, tools, brushes, etc. or rinse containers into a street, gutter, storm drain or stream.
 - f. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains.
20. Construction noise from the development of this site shall adhere to standard restrictions on hours and days of operation as specified in the City of Hayward Municipal Code, Article 1, Section 4.103(2).
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21. Water Pollution Source Control requirements shall include but not be limited to the following:

- a. No polluted waters from HVAC units shall be discharged to the storm drain via roof drains. Uncontaminated condensate is acceptable for storm drain discharge.
- b. All wastewater and washing operations shall be discharged to the sanitary sewer and not the storm drain, including mat cleaning and any washing of the trash area.
- c. The sanitary sewer discharge from this facility shall be in compliance with all wastewater discharge regulations, prohibitions and limitations to discharge. including the 300-milligram per liter oil and grease limit.
- d. Materials, gasoline spill, oil spill, heavy stains, radiator fluid, fitter, etc. shall be picked-up by dry methods and sweeping so as not to pollute stormwater runoff.
- e. All discharges and connectrons shall require approval from Water Pollution Source Control,

Utilities

- 2.2. Prior to issuance of a building permit, the developer shall submit gallon per minute demand to determine proper meter size.
- 23. Install Reduced Pressure Backflow Prevention Assembly per City of Hayward Standard Detail 202 on all domestic & irrigation water meters.
- 24. Installation of a separate irrigation meter to avoid sanitary sewer charges on water used for landscape purposes is recommended.
- 25. There are eleven water services at the site that, if not used for the project, must be abandoned by City work forces at the developer's expense. (Eight 5/8" services, one 1" service, one 1.5" service, and one 2" service.)
- 26. Only Water Distribution Personnel shall perform operation of valves on the Hayward Water System.
- 27. Provide keys/access code to utilities for all meters enclosed per Hayward Municipal Code 11-2.02.1.
- 28. All locations of existing and proposed water meter(s) shall be shown on the building permit.
- 29. Water service shall be made available subject to standard conditions and fees in effect at time of application.
- 30. Sanitary connections for the new retail buildings shall be subject to the review, approval, and conditions of the City wastewater treatment plant.

Public Safety

31. The plans shall be submitted for proper building permits and fire permits. At that time, additional requirements will be addressed which pertain to the tenant usage, which will include storage of hazardous materials, etc.
32. The applicant shall comply with all requirements of the Uniform Fire Code and the City's Hazardous Materials Ordinance including but not limited to the following:
 - a. Demolition and construction activities shall meet the requirements of the Hayward Fire Code, Article 87 - "Fire Safety During Construction, Alteration or Demolition of a Building".
 - b. Both buildings shall be fire sprinklered per NFPA 13 and 24 Standards. Additional fire sprinkler system requirements may be imposed pending further review of the buildings.
 - c. Addresses shall be a minimum of 6 inches on both buildings so as to be visible and legible from the street.
 - d. Fire Department connections shall be relocated to each building so that the Fire Department is not parked on Hesperian Boulevard for firefighting operations.
 - e. A public fire hydrant shall be installed at the West Winton Avenue driveway entrance and at the north driveway into the parking lot off Hesperian Boulevard.
 - f. A site hydrant (private hydrant) shall be installed at the east side of the property along the access driveway.
 - g. The private fire hydrant shall meet fire flow requirements per the 1998 CFC Appendix III-A. A minimum of 2500 gpm @ 20 psi will be required for fire flow (included 50 percent reduction for fire sprinklers.) Type of fire hydrants shall be double steamer type with two 4 ½" outlets and one 2 ½" outlet.
 - h. Blue reflective pavement markers shall be placed at all fire hydrant locations.
 - i. Emergency access shall meet the Hayward Fire Department standards for emergency vehicle turning radius.
 - j. The trash enclosure shall be of a non-combustible construction.
 - k. Fire lanes shall be identified with red curbing and signage.
 - l. Environmental and health based clearance documents and a chemical inventory for each building are required to be provided before issuance of a building permit shall be provided to the Fire Department prior to issuance of the building permit.

33. The project shall comply with the requirements of the Hayward Security Ordinance, dated October 16, 1990.
34. Any public telephone(s) shall be located within the interior of the building, unless otherwise authorized by the Planning Director. Any public telephone allowed to be installed on the exterior of the building shall be limited to out-going calls only and shall be located near the store entry.

Solid Waste

35. Provide calculations to show the appropriate size of the trash enclosure. A 6-inch wide curb or parking bumpers must be provided along the interior perimeter of trash enclosure walls to protect them from damage by the dumpster. A 6-inch wide parking bumper, at least 3 foot long, should also be placed between the refuse dumpster(s) and the recycling containers.
36. A minimum space of 12 inches must be maintained between the dumpster(s) and the walls of any trash enclosure and the recycling carts/dumpster to allow for maneuvering the dumpster(s)
37. If any equipment/trash enclosure is gated, the gates and hinges must be flush with the enclosure wall. It is important to ensure that the gates open straight out and that the hinges and that the gate be flush with the enclosure wall, in order to allow adequate maneuverability of the equipment/dumpster in and out of the enclosure to service it.
38. The applicant must ensure that there is adequate space for a garbage truck to service each dumpster. A 40-foot turning radius is adequate for garbage trucks.
39. If the applicant intends to use a compactor that is not rented from the garbage company, then the applicant must ensure that the compactor can be pulled by the garbage company's trucks, since some compactors require special roll-off trucks for pick up and return.
40. The applicant is required to submit for review by the Solid Waste Manager an on-site recycling plan, which would be implemented during the entire demolition and construction phases. The plan must:
 - a. Show the anticipated start and completion dates of the project.
 - b. Estimate the quantities of construction and demolition waste that will be generated by the project.
 - c. Estimate the quantities of material that will be recycled and identify the facilities that will be used.

41. The applicant must ensure that construction and demolition debris is removed from the site by a licensed contractor as an incidental part of a total construction, remodeling, or demolition service offered by that contractor, rather than as a separately contracted or subcontracted hauling service using debris boxes, or is directly loaded onto a fixed body vehicle and hauled directly to a disposal facility that holds all applicable permits.
42. The applicant shall provide for adequate on-site storage capacity for recyclables within the buildings, including storage space for containers to store paper, glass/plastic/metal beverage containers, and other recyclables where these materials are generated.
43. The applicant must contact the City's franchised hauler, Waste Management of Alameda County, at 537-5500 to arrange for delivery of containers with sufficient capacity to store construction and demolition materials to be landfilled.

Engineering/Transportation Division

44. The applicant shall pay the appropriate Supplemental Building Construction & Improvement Tax prior to receipt of a certificate of occupancy.
45. The developer shall provide SD-1 10 (Sheet 2 of 2) driveway for the northernmost driveway on Hesperian Boulevard (the driveway which permits left turns in). This driveway shall be signed "NO LEFT TURN" for exiting traffic. Signage shall meet Caltrans requirements.
46. The developer shall provide a street type opening (SD-1 10-A) standard at the southerly driveway on Hesperian Boulevard.
47. The developer shall provide a SD-1 10 (Sheet 2 of 2) driveway on Winton Avenue.
48. The developer shall provide a pedestrian easement for the existing sidewalk behind the right-of-way line.
49. The final design shall not require the City to provide less than the existing left-turn storage on southbound Hesperian Boulevard at West Winton.
50. Bicycle racks shall be installed adjacent to each retail building. The design and location of the racks shall be approved by the Planning Director prior to issuance of a building permit.
51. No outside storage of material, crates, boxes, etc. shall be permitted anywhere on site, except within the trash enclosure area as permitted by fire codes. No material shall be stacked higher than the height of the trash enclosure screen wall and gate.

Performance

52. No outdoor display of merchandise for sale is permitted without an approved administrative use permit for special events,

53. Tenant management shall take reasonable necessary steps to assure the orderly conduct of employees, patrons and visitors on the premises to the degree that surrounding residents will not be bothered. Loitering is not permitted, and management of the retail stores shall take steps to ensure that it does not occur.
54. No vending machines shall be displayed outside the building, except for newspaper racks.
55. All building exteriors, walls, lighting, trash enclosure, drainage facilities, driveways and parking areas shall be maintained in good condition. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence.
56. Sidewalks and parking lots must be kept free of litter and debris. Parking lot sweepers shall be limited to daylight hours only; and sweepers shall not be used before 8 a.m. within 50 feet of the residential areas.
57. The hours of operation of the stores shall be limited to between 6:30 a.m. to 11:00 p.m. weekdays and 7:00 a.m. to 1:00 a.m. Friday and Saturday nights. Deliveries and any other activity within 50 feet of the residential areas shall occur between the hours of 8:00 a.m. and 8:00 p.m. only.

A Copy of the Environmental Checklist Form is on File At City Hall in the Planning Department.



**DEPARTMENT OF
COMMUNITY AND ECONOMIC DEVELOPMENT
Planning Division**

MITIGATED NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that no significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

I. PROJECT DESCRIPTION:

USE PERMIT APPLICATION 00-160-20 – GRAE VENTURES, LLC (APPLICANT)/ JAMES F. CRAWES, JR. AND JOHN BERI AS TRUSTEES OF ADOLPH SCHUMAN TRUST (OWNER). Request to construct a project for retail commercial uses, with a 23,500-square-foot commercial lease space and a 14,490-square-foot **commercial** lease space that includes a drive-up window. The property **is at** the **northeast** corner of Hesperian Boulevard and West Winton Avenue, across the street (Hesperian Boulevard) from the Hayward Executive Airport. The project is in a Neighborhood Commercial (CN) Zoning District.

II. FINDING PROJECT *WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT*:

The proposed project, as conditioned, will have no significant effect on the area's resources, cumulative or otherwise.

III. FINDINGS SUPPORTING *DECLARATION*:

1. The project application has been reviewed according to the standards and requirements **of** the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the project. The Initial Study has determined that the **proposed** project, with the recommended mitigation measures, could not result in significant effects on the environment.
2. The project is in conformance with the General Policies Plan Map designation of Retail and Office Commercial.
3. The retail space will not be located in the Federal Aviation Administration (FAA) Runway Protection Zone. The project height will not exceed 28 feet, pursuant to FAA regulations. The FAA **has** determined that the project will **not** be a hazard to air navigation.
4. Clayton Group Services prepared a Phase I Environmental Site Assessment on March 9, 2000. The California Regional Water Quality Control Board agreed with the environmental assessment consultant that the presence of the VOCs in the soil and groundwater at the site does not appear to present an unacceptable level of human health risk with respect **to**

activities at the site. Onsite monitoring wells will be sampled quarterly for a minimum period of two years.

5. The project is in conformance with the intent and purpose of the Zoning Ordinance designation of Neighborhood Commercial as proposed. Such district permits land uses that provide products and services that are primarily represented by convenience goods and services purchased frequently.
6. The project provides setbacks and a property-line wall to protect the adjacent residential district from impacts caused by loading/unloading operations and parking. Hours of operation for such activities will be restricted to further protect the residential area.
7. The project will not affect population projections, induce substantial growth or displace existing housing.
8. The project site is not located within a "State of California Earthquake Fault Zone." Construction related to this project will be required to comply with the Uniform Building Code standards to minimize seismic risk due to ground shaking.
4. The project site is not located within the 100-year flood zone. No water related hazards such as flooding is expected to occur.
10. A requirement to reduce dust generation and exhaust emissions during construction, and the facilitation of traffic flow by traffic signal management, will reduce air quality impacts to a level of insignificance.
11. Construction related to this project would be designed to perform to applicable codes, and, therefore, would not be in conflict with adopted energy conservation plans.
12. The project will have no effect on government services or utilities.
13. The project shall comply with the Hayward Design Guidelines, the Landscape Beautification Plan and all other applicable performance standards.
14. No known archaeological or paleontological resources exist on the project site.
15. The traffic study prepared for the project concluded that the level of service for any of the intersections at issue would not drop below the acceptable level of service standard established by the City as a result of the project traffic.
16. A burrowing owl survey will be conducted within 30 days of soil disturbance. Mitigation measures will be imposed if there is evidence of burrowing owls.

Dated: September 26, 2000

V. *COPY OF INITIAL STUDY IS ATTACHED*

For additional information, please contact the City of Hayward Planning Division, 777 B Street, Hayward, CA 94541-5007 or telephone (510) 583-4214

DISTRIBUTION/POSTING

Provide copies to project applicants and all organizations and individuals requesting it in writing and to the local agency .serving the physically disabled.

- Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.

Project file.

Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.

MITIGATION MONITORING AND REPORTING PROGRAM

Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Completed
Air Quality				
1. Approval of the project will result in short term air quality impacts related to grading and construction.	Project Sponsor	Implement dust control program during grading and construction activities.	Sponsor to hire person to oversee implementation of dust control program.	
To mitigate the identified air quality impacts, the following measures will be incorporated into the project				
a) Dust generated on the project site shall be controlled by watering all exposed areas at least twice daily during excavation, and especially during clearing and grading operations. Additional watering on windy or hot days is required to reduce dust emissions.				
b) Cover stockpiles of sand, soil and similar materials with a tarp. Cover trucks hauling dirt or debris to avoid spillage.				

MITIGATION MONITORING AND REPORTING PROGRAM

Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Completed
c) Paving shall be completed as soon as is practicable to reduce the time that bare surfaces and soils are exposed. In areas where construction is delayed for an extended period of time, the ground shall be revegetated to minimize the generation of dust.				
d) Street sweeping shall be conducted to control dust and dirt tracked from the project site.				
e) Designate a person to oversee the implementation of the dust control program.				

Biological Resources

- | | | |
|--|------------------------|---|
| <p>2. There is no indication at this time that burrowing owls occupy the site. However, the survey was not conducted during the peak of the breeding season (April 15 – July 15), and a survey is required within 30 days of any site alteration. Preconstruction surveys, following the methods of the Department of Fish and Game protocol, are required. If owls are observed during the preconstruction surveys, no impacts will be allowed during the nesting season.</p> | <p>Project Sponsor</p> | <p>Survey results to be provided to the Planning Director and City Engineer prior to any site alteration.</p> |
|--|------------------------|---|

MITIGATION MONITORING AND REPORTING PROGRAM

Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Completed
Cultural Resources				
3. There is no indication that any archaeological resources exist on the site However, if any archaeological resources are exposed or discovered during either site preparation or subsurface construction activities, operations should stop within 25 feet of the find an archaeologist should be contacted for evaluation and further recommendations. Potential recommendations could include evaluation, collection, recordation, analysis, or monitoring, etc., of any archaeological resources.	Project Sponsor	Implement measures, as necessary, during site preparation or subsurface construction activities	Sponsor shall hire an archaeologist to oversee preservation of any archaeological resources if necessary.	
Geology and Soils				
4. The site will likely be subjected to strong ground shaking from a major earthquake. To mitigate the identified impacts, the Project will be built to the most recent Uniform Building Code regulations.	Project Sponsor	Obtain building permits which reflect the most recent Uniform Building Code regulations prior to beginning construction of structures.	Sponsor to provide plans to City which reflect most recent Uniform Building Code regulations when applying for building permit.	

MITIGATION MONITORING AND REPORTING PROGRAM

Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Completed
<p>5. Loose fill may be found in some areas and native soil in others, which may result in impacts due to settlement.</p> <p>To mitigate the identified impacts, up to 5 feet of loose fill will be removed at each building site and will be replaced with select import mixed with fill and compacted to 90 percent. Removal and recompaction of up to 2 feet over the remaining areas will further minimize settlement.</p>	Project Sponsor	Remove and replace fill after grading, prior to beginning construction of structures.	Sponsor to provide plans to City which reflect appropriate fill procedures when applying for grading permit.	
<p>Noise</p> <p>6. The Project could have a potentially significant noise impact due to the nearby airport.</p> <p>To mitigate the identified impacts, the Project will construct an 8-foot-high masonry wall along interior property lines adjacent to existing residences, and restrict the Project's hours of operation.</p>	Project Sponsor	Construct masonry wall during Project construction. Restrict hours of operation once retail stores open.	Sponsor to provide site plans to City which reflect masonry wall.	
<p>Transportation/Traffic</p> <p>7. Upgrade the intersection at Hesperian Boulevard and Longwood Avenue to a signalized intersection</p>	City of Hayward	Upgrade signal prior to end of construction.		

MITIGATION MONITORING AND REPORTING PROGRAM

Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Completed
8. Re-time signalized intersections (including Longwood Avenue) along Hesperian Boulevard in order for coordination between the signals to be optimized.	City of Hayward	Re-time prior to end of construction.		
9. The Federal Aviation Administration (FAA) has completed an aeronautical study under the provisions of 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerning the Staples and Walgreen's retail buildings. The FAA has determined that the buildings would not pose a hazard to air navigation. The FAA requires that FAA Form 7460-2, Notice of Actual Construction or Alteration be completed and returned to their offices at least 10 days prior to start of construction and within 5 days after construction reaches its greatest height.	Project Sponsor	At least 10 days prior to start of construction and 5 days after construction reaches its greatest height.	Sponsor to provide proof of delivery to Planning Director.	

Updated Phase I Environmental Site
Assessment

Former Airport Plaza
Hesperian Boulevard and Winton Avenue
Hayward, California
For
GRAE Ventures, LLC
Los Angeles, California

Clayton Project No. 80-00 178.0 1

March 9, 2000

6.5 INDICATIONS OF POLYCHLORINATED BIPHENYLS (PCB)

The subject property **was** inspected for the presence of liquid-cooled electrical units (transformers, light ballasts, and capacitors), and major sources of hydraulic fluid (elevators and lifts). Such units are notable because they may be potential PCB sources.

No transformers **were** observed **on the subject** property.

6.6 WELLS

Clayton observed evidence of several exploratory borings, and three groundwater monitoring wells on the property. The wells are located in the southern portion of the **site, and one of the wells (middle) was missing the top of the well box and there** was mud and water in the casing.

6.7 WATER, WASTEWATER AND STORMWATER DISCHARGE

There are no buildings on the property and no current sources of wastewater.

7.0 FINDINGS AND CONCLUSIONS

We have performed an Updated Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E-1527 of the former Airport Plaza, **near the** northeast corner of the intersection of Hesperian **Boulevard and** West Winton Avenue in Hayward, California, the subject property. Any exceptions to or deletions **from this** practice are described in Sections 1.2 and 1.3.

Clayton's update of the previous environmental assessment reports did not find any **additional** areas of recognized environmental conditions than those noted in the previous reports. Clayton has the following additional findings regarding the subject property.

- Observations be made during any future site development for areas of possible contamination such as, but not limited to, the presence of underground facilities, buried debris, stained soils, waste drums, tanks or odorous soils. Should such materials be encountered, further investigation and analysis may be necessary at that time,
- Soil and groundwater have been impacted by volatile organic compounds (VOCs) which originated from two former onsite dry cleaners. In October 1999, SO to 90 cubic yards of PCE-contaminated soils with concentrations greater than 1,000 ppb were excavated and disposed offsite. A Risk Assessment was prepared for the property and the CRWQCS has agreed that "the presence of HVOCs in the soil and groundwater at the site does not appear to present an unacceptable level of human health risk with respect to activities at the site". Onsite monitoring wells will be sampled quarterly for a minimum period of time of 2 Years. Access must be granted for sampling purposes and drums of purge water may remain onsite pending

disposal. The CRWQCB could, at any time, require the installation of an additional groundwater monitoring well.

The CRWQCB will not consider a "no further action" status for this Site until the two years of quarterly monitoring have been conducted and all data has been fully evaluated. Once monitoring is completed, it is likely that a deed restriction will be placed on groundwater use for the subject property.

Some of the onsite monitoring wells are located within the footprint of the proposed buildings. The CRWQCB must approve the abandonment and relocation of any monitoring wells.

Clayton recommends that grading and construction activities do not extend to groundwater. Clayton also recommends that GRAE Ventures, LLC obtain a copy of the revised Risk Assessment that will soon be forwarded to the CRWQCB by Geraghty & Miller. Copies of the Quarterly Groundwater Monitoring Reports, as well as the final summary report (after two years of monitoring) should also be obtained as they are prepared. Indemnification should be obtained, if possible, for any potential PCE contamination (or its breakdown products) found during the site redevelopment or for any additional work that the local, regional and/or state agencies might require.

- Groundwater beneath the property has been impacted by petroleum hydrocarbons from the Exxon station to the south. Exxon and Texaco (former operator) have accepted responsibility for the hydrocarbon contamination and have a soil-vapor extraction and groundwater pump and treat system in place. Treatment has been ongoing since February, 1995.

TRAFFIC IMPACT ANALYSIS

Hayward Retail Center at Hesperian Boulevard and W. Winton Avenue

Final Report

Prepared for:

GRAE Ventures

Prepared by:



Kimley-Horn
and Associates, Inc.

Tel No. 9X463-5640
Fax No. 925-463-5641

July 10, 2000



EXECUTIVE SUMMARY

This study evaluates the potential traffic-related impacts associated with the proposed retail project to be located at the northeast corner of Hesperian Boulevard and W. Winton Avenue in the City of Hayward.

The proposed development will consist of a 21,942 sq. ft. *Staples* and a 14,490 sq. ft. *Walgreens* **with** a drive-through window.

Project Trip Generation

The proposed project is **expected** to generate 2,045 ADT, with 70 AM peak hour and 206 PM peak hour trips.

Study Scope

The operation of key intersections adjacent to the project site were evaluated during the AM peak hour and the PM peak hour under the Existing, Existing plus Project, and Cumulative plus Project conditions. The following intersections were included in the analysis:

- Hesperian Boulevard/Southland Drive
- Hesperian Boulevard/W. Winton Avenue
- Hesperian Boulevard/Longwood Avenue
- W. Winton Avenue/Southland Place
- Three project driveways

In addition, an analysis was conducted for a scenario that would provide free right turns westbound at Hesperian/W. Winton. Site access, on-site circulation, and pedestrian and transit access were also reviewed in the study.

Level of Service (LOS) Analysis

Level of service was evaluated at each of the study intersections using the City approved 1994 Highway Capacity operations methodology. Traffic volumes collected for existing conditions, existing lane configurations, project generated trips, and traffic generated by cumulative projects were included in the analysis of the various traffic conditions.

Figure E.1 summarizes the LOS for the signalized intersections under each traffic condition

TABLE E.1
SUMMARY OF PEAK HOUR INTERSECTION CAPACITY ANALYSIS, BY SCENARIO

SIGNALIZED INTERSECTIONS	EXISTING CONDITIONS							
	AM PEAK HOUR		PM PEAK HOUR					
	DELAY (a)	LOS (b)	DELAY (a)	LOS (b)				
1. Hesperian Blvd /Southland Dr.	17.3	C	22.6	C				
2. Hesperian Blvd /W Winton Ave	26.3	D	27.1	D				
3. Hesperian Blvd /Longwood Ave	11.2	B	4.8	A				
4. W Winton Ave /Southland Pl	11.3	B	26.5	D				
SIGNALIZED INTERSECTIONS	EXISTING PLUS PROJECT				EXISTING PLUS PROJECT WITH FREE RIGHT TURN (a)			
	AM PEAK HOUR		PM PEAK HOUR		AM PEAK HOUR		PM PEAK HOUR	
	DELAY (a)	LOS (b)	DELAY (a)	LOS (b)	DELAY (a)	LOS (b)	DELAY (a)	LOS (b)
1. Hesperian Blvd /Southland Dr.	17.4	C	23.6	C	17.4	C	23.6	C
2. Hesperian Blvd /W Winton Ave	26.8	D	28.0	D	26.8	D	27.3	D
3. Hesperian Blvd /Longwood Ave	11.8	B	8.6	B	11.8	B	8.6	B
4. W Winton Ave /Southland Pl	11.8	B	28.0	D	11.8	B	28.0	D
SIGNALIZED INTERSECTIONS	EXISTING PLUS CUMULATIVE PLUS PROJECT				EXISTING PLUS CUMULATIVE PLUS PROJECT WITH FREE RIGHT TURN (a)			
	AM PEAK HOUR		PM PEAK HOUR		AM PEAK HOUR		PM PEAK HOUR	
	DELAY (a)	LOS (b)	DELAY (a)	LOS (b)	DELAY (a)	LOS (b)	DELAY (a)	LOS (b)
1. Hesperian Blvd /Southland Dr.	20.9	C	23.3	C	20.9	C	23.3	C
2. Hesperian Blvd /W Winton Ave	29.6	D	29.3	D	29.6	D	28.5	D
3. Hesperian Blvd /Longwood Ave	12.8	B	9.4	B	12.8	B	9.4	B
4. W Winton Ave /Southland Pl	12.8	B	30.6	D	12.8	B	30.6	D

(a) This scenario assumes a free right turn westbound at the intersection of Hesperian Boulevard and W Winton Avenue



EXECUTIVE SUMMARY (cont'd)

Impact Assessment

The City of Hayward has established a level of service policy to maintain LOS "D" or better at all signalized intersections (General Plan, Circulation Element, October 1997). One exception to this standard is that LOS "E" is acceptable in certain conditions where "costs of mitigation or- when there would be other unacceptable impacts". Mitigation, if feasible, shall be identified where the level of service falls below LOS D. In addition, the General Plan states that "adverse effects on the operation of the transit, pedestrian, or bicycle circulation network" are considered significant, and appropriate mitigation measures should be developed.

In addition to the significant impact criteria, the City has requested that the report identify locations where the intersection LOS drops two categories (i.e. B to D, etc.) and/or locations where the proposed project causes the intersection delay to increase five (5) or more seconds in average delay.

The analysis showed that for Existing conditions, Existing plus Project conditions, and Cumulative plus Project conditions all intersections analyzed operate at LOS D or better with no delay increases greater than 5 seconds.

As requested by City staff, a review of a scenario that would allow free right turns westbound at the intersection of Hesperian Boulevard and W. Winton Avenue. To provide free right turns, a merge lane would be required north of the intersection, requiring additional roadway right-of-way. The analysis showed free right turns will result in a minor decrease in delay at the intersection. Since additional roadway widening would be required and there is only a minor improvement at the intersection, the free right turn is not recommended.

Mitigation

No mitigation measures are required.

Site Access

A level of service analysis was conducted to review the operation of the project driveways. Based on the analysis, it is recommended that all driveways be stop sign controlled for vehicles exiting the site. The southeast and southwest driveways should be restricted to right in/right out access and the northwest driveway should be restricted to left in/right out access.

On-Site Circulation and Parking

The on-site circulation and parking are considered adequate and meet the City's code requirements

Federal Aviation Administration
Western/Pacific Region, AWP-520
P. O. Box 92067 WWPC
Los Angeles, CA 90009

AERONAUTICAL STUDY
No: 00-AWP-2443-OE

ISSUED DATE: 10/23/00

DAVID GILMORE
GRAE VENTURES, LLC.
1801 CENTURY PARK EAST, SUITE 1080
LOS ANGELES, CA 90067

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION . ***

The Federal Aviation Administration has completed an aeronautical study under the provisions of 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 73, concerning:

Description: SINGLE-STORY STAPLES OFFICE SUPPLY STORE/SHALL BE
IAW ARCHITECT SITE PLAN DRAWINGS DATED 10/02/00
Location: HAYWARD CA
Latitude: 37-39-15.70 NAD 83
Longitude: 122-06-33.66
Heights: 28 feet above ground level (AGL)
78 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

-As a condition to this determination, the structure should be marked and/or lighted in accordance with FAA Advisory Circular 70/7460-1K, Obstruction Marking and Lighting, Chapters 4, 5 (Red), & 12.

-It is required that the enclosed FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

- ✓ At least 10 days prior to start of construction (7460-2, Part, I)
- ✓ Within 5 days after construction reaches its greatest height (7460-2, Part: II)

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 04/23/02 unless:

- (a) extended, revised or terminated by the issuing office or
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit: has been filed, as required by the FCC, within 6 months of the date of this determination. In such case the determination expires on the date prescribed by the FCC for completion of construction or on the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

-As a result of this structure being critical to flight safety, it is required that the FAA be kept apprised as to the status of this project. Failure to respond to periodic FAA inquiries could invalidate this determination.

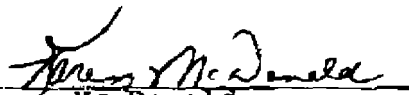
This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, frequency(ies) or use of greater power will void this determination. Any future construction or alteration, including increase in heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority,

If we can be of further assistance, please contact our office at 310 725-6557. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 00-AWP-2443-0E.


Karen Mc Donald
Specialist, Airspace Branch :

(DNE)

7460-2 Attached



Kaldveer Associates Geoscience Consultants

Geotechnical and Environmental Engineering

Oakland, CA • San Jose, CA • Bellevue, WA • Tacoma, WA

February 7, 1992
K811-2-1167, 20234

Raad/Uesugi and Associates
World Trade Center
San Francisco, California 94111

Attention: Mr. Dan Uesugi

RE: GEOTECHNICAL INVESTIGATION
AND TERRAIN DESIGN REPORT
PROPOSED RETAIL CENTER
HAYWARD, CALIFORNIA

Gentlemen:

In accordance with your request, we have performed a geotechnical investigation and Terrain Design Report for the Proposed Retail Center to be located in Hayward, California. The accompanying report presents the results of our field investigation, laboratory tests, and engineering analysis. The soil and foundation conditions are discussed and recommendations for the soil and foundation engineering aspects of the project are presented. The conclusions and recommendations contained herein are based upon applicable standards of our profession at the time this report has been prepared. Copies of this report are furnished only to provide the factual data which were gathered and which were summarized in the report. We **refer** you to the text of the report for detailed recommendations.

Submittal of this report completes our current scope of work on the project. Plan review, representation at public meetings, consultation, performance of any further studies required by review agencies, and subsequent earthwork observation and testing services are beyond our current scope of work. These services will require separate contracts.

If you have any questions concerning our findings, please call us.

Very truly yours,

KALDVEER ASSOCIATES, INC.

Matthew A. Dettman
Matthew A. Dettman, P.E.
Project Engineer

Lawrence P. Goldfarb
Lawrence P. Goldfarb, P.E.
Associate



MAD/ LPG:md

Copies: Addressee (6)

425 Roland Way, Oakland, CA 94621 (510) 568-4001 FAX: (510) 568-4

4257 Alameda, Oakland, CA 94612 (510) 568-4001 FAX: (510) 568-4

FB001188

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Guy Rabinovich, PE
Dennis Lubitzky, CEG
Randy Rowley, RG, P.E.
Michael L. Gordon, PE
Kenneth C. Ferrone, PE

GEOTECHNICAL INVESTIGATION
AND TERRAIN DESIGN REPORT

For
PROPOSED RETAIL CENTER
HAYWARD, CALIFORNIA

To
Raad/Uesugi and Associates
World Trade Center
San Francisco, California 94111

February, 1992

FBO01189

on the thick cohesive soil cap overlying the sands, it is our opinion that the potential for liquefaction induced damage is very low.

CONCLUSIONS AND RECOMMENDATIONS

It is our opinion that the site is suitable for the Proposed Retail Center from a geotechnical engineering standpoint. The conclusions and recommendations presented in this report should be incorporated in the design and construction of the project to minimize possible soil and/or foundation related problems. The primary considerations for foundation design are 1) the high expansion potential of the clayey surface soils, and 2) the weak, potentially compressible silt encountered at depths of 3-1/2 to 5 feet.

The highly expansive clays encountered at the site could be subjected to volume changes during seasonal fluctuations in moisture content. To minimize possible damage to the proposed buildings resulting from swelling and shrinkage of these materials, we recommend that the buildings be supported on footings extended somewhat deeper than normal. In addition, we recommend that all interior slabs-on-grade be supported on a layer of imported non-expansive fill. The amount of required non-expansive fill can be reduced if reinforcement is provided in the slab to minimize the impact of expansion pressures. It should be noted that special design considerations will be required for exterior slabs.

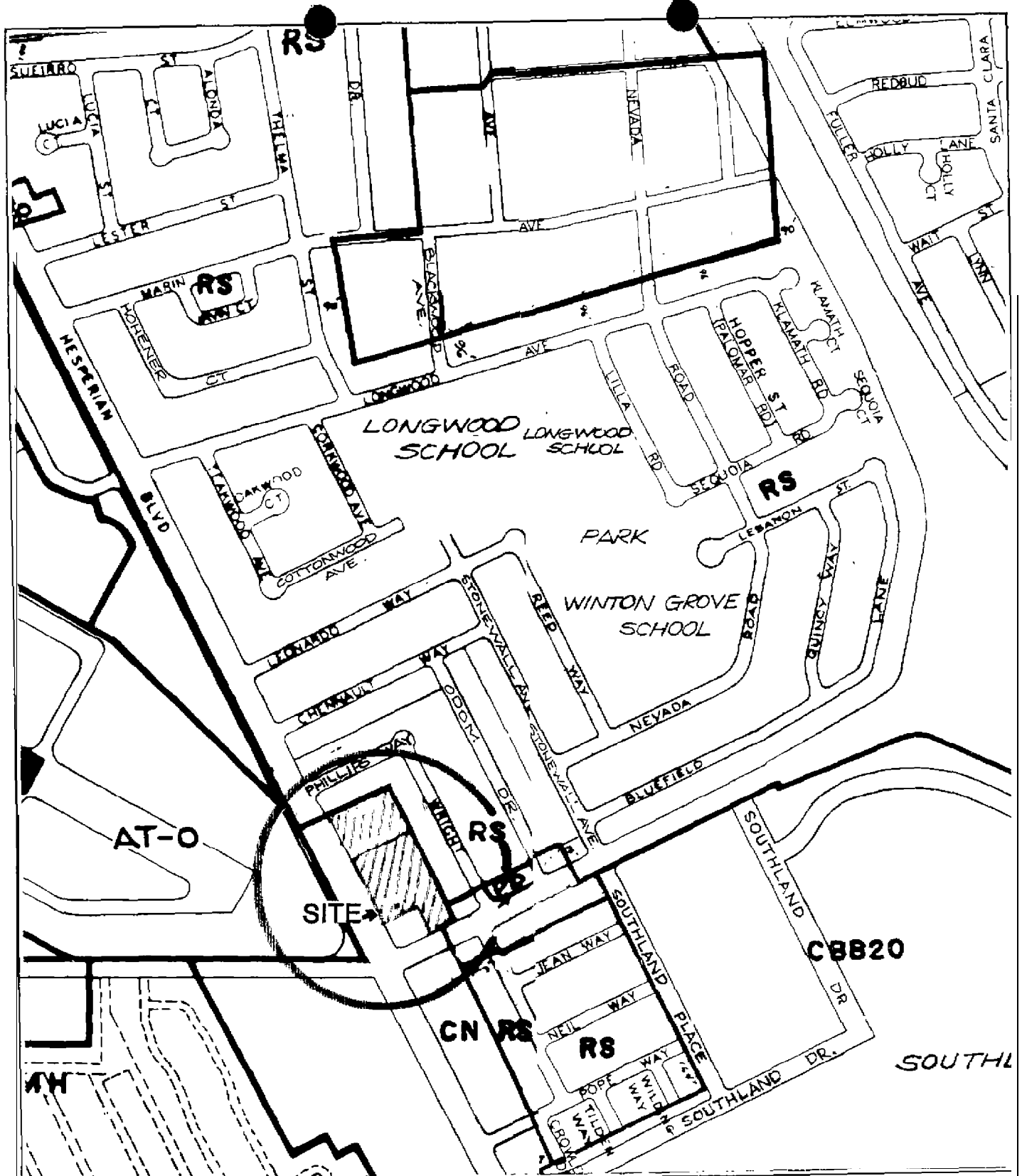
The silts encountered at depths of 3-1/2 to 5 feet are weak and potentially compressible under the application of the proposed building loads. Therefore, we recommend that lower than normal bearing capacities be used in design of the footings.

Detailed earthwork and foundation recommendations for use in design and construction of the project are presented below. We recommend that our firm review the final design and specifications to check that the earthwork and foundation recommendations presented in this report have been properly interpreted and implemented in the design and specifications. We can assume no responsibility for misinterpretation of our recommendations if we do not review the plans and specifications.

A. Earthwork

1. Clearing and Site Preparation

The site should be cleared of all obstructions including existing structures and associated foundation systems and slabs, asphaltic concrete and underlying coarse fill, planters, sidewalks, signs, and associated foundations, and debris. Removed asphaltic concrete and concrete may be used as fill material provided the material is broken up to meet the size requirements presented under Item A.3, "Fill Material".



▲
North
1" = 500'

AREA MAP
USE PERMIT APPLICATION 00-160-20
GRAE Ventures, LLC (Applicant)
Adolph Schuman Trust (Owner)
23700 Hesperian Blvd.

John W. Kyle
22638 Teakwood St
Hayward, Ca. 94541
Home Phone (510) 782-7612

May 27, 2000

Correction Dated: MAY 29, 2000

Ms Cathy Woodbury,
City of Hayward,
Planning Division
777 'B' Street
Hayward, Ca. 94541

Reference, SPR 00-130-11

copy

Dear Ms. Woodbury;

A

Approval of a Walgreen's and a Taco Bell occurred on the site at Hesperian and W. Winton early in 1994 at a time prior to **the** occasion of the **first** meeting of the Longwood-Winton Grove Neighborhood task force.

We were not excited about the project when we discovered what had been approved simply because the fast food operation, as proposed, was just one more Taco Bell separated by about 1 mile from another Taco Bell near Kennedy Park at Bockman Rd. Enough of fast food operations!

You indicate that the parcel has approximately 3 acres. Thus, depending on accuracy of your approximation, 38,000 sq.ft. of bldg would provide a land to building ratio of something in excess of 3: 1 which should be sufficient to observe set-back from interior property lines at distances satisfactory to adjoining dwellings and still provide parking to **building** ratios meeting competitive property standards as well as **city standards** I trust **your** skill at landscape needs.

Let us hope that fencing along interior lot lines gain uniformity and that protection from and maintenance by commercial operations will keep it all in good repair. Some moderate **lighting as a** means of protecting adjoining property owners from **after** hours prowling by two legged critters must be adequate to meet the fears of adjoining property owners. Salvage and trash removals should not affect folks at all hours of late evening or early morning.

A big problem is egress and ingress at this site. With the previous approval, there was created, a **left** hand turn opportunity, directly onto the site for the benefit of those traveling southerly along Hesperian. In my book that was a big mistake and I predict trouble at **peak evening** hours. Level of service at this corner is below desired and it will become much worse with completion of east bound 92 widening **now** scheduled to occur long before reconstruction of 880-92 **interchange**.

East bound W. Winton approaching from the west has two left turn lanes which when combined with the right hand turn, onto northbound Hesperian, from W. Winton, will close the window of opportunity to make that **left** turn onto the site. Especially is all this true **this** when you consider the yellow accelerator and green anticipator action of northbound Hesperian traffic approaching from south of **Winton**. Fortunately **the** fire department is not too far west of the **site** on Winton Ave, thus the death toll from that problem shouldn't be too high.

ATTACHMENT E

The store clientele will eventually discover that by exiting onto northbound Hesperian the right hand turn at Phillips Way may not be as convenient as the right hand turn onto Chenault Way where access to Stonewall and the light at West Winton will heighten gross sales receipts for this development at the expense of the residents on Chenault and Stonewall.

Another problem with the traffic is that by traveling north to Longwood a U turn can be made by those anticipating a trip south along Hesperian after making their purchase at these stores. Given the levels of consistent, all day traffic on W. Winton, it would be absurd to expect them to exit the parking lot onto Winton and then make a dash for the left turn lane before going south on Hesperian. Thus the fear for Longwood which would be a less circuitous route than would Chenault.

My present and continuing concern for moving a proposed light at Longwood to Marin is that by placing a light at Longwood, Marin, the children of the area will eventually find safer, more attendance encouraging transportation to school via A/C Transit than that presently afforded them. The additional increase in U-turn activity exacerbates their present need to cross a frontage road, six lanes of traffic plus left turn lanes and that idea raises my hackles. I honestly think I hear the wail of the Banshee! If I am ignored on this issue and death or serious harm to a child occurs, count on me to do serious finger pointing

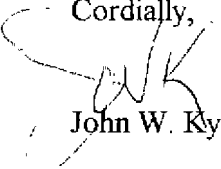
I have enclosed a copy of my May 16 memorandum to City Council which should provide you with some insight into the present problem accompanying a light at Longwood where traffic increase at front of school will be double that of present count. I do not seem able to get through to some skulls that there is a higher concentration of dwellings and occupants along Marin than on Longwood and that the load being placed on Longwood is injurious to the safety of children.

Then, of course, with the light at Longwood we will never be able to have A/C transit provide the service to South Garden and Marin where exists the greatest concentration of kids who presently walk in excess of half a mile before reaching the hazard of crossing Hesperian.

Solution of one problem which is accomplished in aid of a second or third, is a linkage idea which escapes most in this town

Tell the lessees I honestly wish them well, despite my attempts at sardonic humor, even if I do think they are shooting themselves in the foot with the traffic problem attendant to this site. I suspect that if they fail here, we will be cursed with future tenancy of another rummage sale type operation run by some non-profit group.

Cordially,


John W. Kyle

cc: City Manager
City Council
encl. (1) addressee only

A COPY